IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 31511 of 2003(B)

PETITIONER:

THANKAMANI, W/O. KARAMACKEL KUMARAN,
VENKITANGU AMSOM AND DESOM, CHAVAKKAD TALUK,
TRICHUR DISTRICT.

BY ADV. SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN

RESPONDENT:

SIVADASAN, S/O. VENNEKOTTU KARAPPAN,
VENKITANGU AMSOM AND DESOM, CHAVAKKAD TALUK,
TRICHUR DISTRICT.

BY ADV. SRI.C.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.31511/2003 B

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER DTD. 11/04/2001 PASSED BY THE MUNSIFF COURT, CHAVAKKAD.**

EXT.P2: **COPY OF THE AFFIDAVIT AND PETITION DTD. 8/10/2000 IN C.M.P.NO.1934/2000 IN S.A. 744/2000.**

EXT.P3: **COPY OF ORDER DTD. 07/03/2001 IN CMP.NO.1934/2000 PASSED BY THIS HON'BLE COURT.**

EXT.P4: **COPY OF THE ORDER DTD. 07/03/2001 IN CMP.NO.12333/2001 IN O.P.NO.7533/2001.**

EXT.P5: **COPY OF THE COMMON JUDGMENT DTD. 21/03/2003 PASSED BY THE DISTRICT COURT, TRICHUR IN CMA NOS.166/211 AND 167/2001.**

EXT.P6: **COPY OF PHOTOGRAPH OF THE RELEVANT BUILDING.**

EXT.P7: **COPY OF THE PHOTOGRAPH OF THE RELEVANT BUILDING.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.31511 of 2003

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Dated: 25th June, 2007

JUDGMENT

The challenge in this Writ Petition under Article 227 of the Constitution is directed against the orders of temporary injunction passed by the learned Munsiff and confirmed in appeal by the learned District Judge. I have gone through the impugned order/judgment. I do not find any warrant for correcting them in the supervisory jurisdiction of this court under Article 227 of the Constitution. Mr.M.S.Narayanan, learned counsel for the petitioner submits that subsequently the suit itself was dismissed by the learned Munsiff for default on the basis that an endorsement was made on the plaint by the counsel to the effect that he is not having any instructions from the plaintiff. The copy of the decree is also made available before me. Learned counsel for the respondent submits that he has been informed subsequently that the suit was restored. I do not propose to go into that controversy. I will only observe that the impugned orders are only interim orders and will not survive beyond the final disposal of the suit. The Writ Petition will stand closed. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**